

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD SEPTEMBER 23, 2014**

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**CALL TO ORDER**

At 7:00 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore, Mrs. Kingsley and Mayor Bruno answered present. Also present was Township Attorney Joseph Sordillo and Township Clerk Ana Minkoff.

**Addition-Resolution**

**Mrs. Kingsley introduced the following resolution:**

Resolution authorizing the Professional Services Agreement with Joseph P. Depa, Jr., Esq., and The Law Offices of Joseph P. Depa, Jr., for professional legal services in connection with the separate legal representation of Mayor Joseph Bruno in the Litigation Mathis v. Bruno.

Moved by Mrs. Kingsley to approve the resolution authorizing a professional services agreement with Joseph P. Depa, Jr., Esq., seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Meeting CD did not start recording until 8:19 p.m.**

**EXECUTIVE SESSION – Attorney/Client Privilege-Litigation-Mathis v. Berkeley Heights**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:03 p.m.)**

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(8:25 p.m.)**

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Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**FLAG SALUTE**

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

**TOWNSHIP COUNCIL REPORTS**

Mr. Delia said he read over the traffic report referring to three separate reports, Mountain Avenue/Snyder Avenue intersection, Locust/Snyder intersection and the Springfield Avenue/Plainfield Avenue intersection. Mr. Delia went on to speak about the traffic report and said some points didn't make sense.

A discussion continued on the traffic report among some of the Township Council members and they also agreed with Mr. Delia some points didn't make sense.

Mr. Delia went on to talk about the traffic report and made his recommendations for each intersection.

The discussion continued.

Mr. Hall reported we have had tentative approval from Governor Livingston High School to use their auditorium for the next two land swap public hearings. He added that the last two meetings were so well attended to such a degree that there was standing room only.

Mr. Woodruff asked if they were going to allow us use of their technology. He wants to make sure that everyone is able to see the presentation.

Mrs. Kingsley said they have better slide and video equipment and she will confirm their use with Mr. Schiavo.

Mr. Pirone reported on the Board of Health September meeting. He went on to report in detail on the health department inspections. Mr. Pirone also spoke about the Board of Health working with Tom McAndrew, Sewer Plant Superintendent regarding the compliance by the establishments regarding sewer inspections.

Mr. Woodruff also said he read the traffic report and some points do not make sense. He said the average person that drives a vehicle could fix this problem in twenty seconds. Mr. Woodruff said we need to fix this problem and the traffic study did nothing to help this. Mr. Woodruff said we need to exercise common sense and get this issue addressed as soon as possible.

Mr. Pastore had nothing to report.

Mrs. Kingsley reported the Beautification Committee met and they investing in additional seasonal holiday decorations. She said hopefully we can get the power company to work with us to make sure the power on the poles is actually working before the holidays. Mrs. Kingsley also said the Beautification Committee is looking to use Peppertown Park and the clock for the holidays and make more of the park.

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Mayor Bruno reported we were in contact with Mrs. Rattner of the Board of Education and they will have the audio/visual prepared for us. There are just some logistics to be worked out next week. Mayor Bruno spoke about the traffic study and he agrees with Mr. Woodruff we could probably fix the problem

ourselves. He went on to make some recommendations for the three intersections involved in the traffic study. He also feels we should have Mike Mistretta take a look at the traffic study and give us a recommendation.

Moved by Mr. Pirone to accept and approve the Township Council Reports, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**APPROVAL OF MINUTES**

Moved by Mr. Delia to approve the following Township Council minutes, seconded by Mrs. Kingsley and upon roll call vote:

**Public Meeting – August 26, 2014**

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**HEARING ON AGENDA ITEMS ONLY**

Moved by Mrs. Kingsley to open the Hearing on the Agenda Items Only, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

Tom Foregger of 14 Dorsett Road referred to the introduction of the noise ordinance and asked if the NJDEP must approve the noise ordinance. He asked if this ordinance will be sent to the DEP.

Joseph Sordillo, Township Attorney responded the noise ordinances do get approved by the DEP. He doesn't think this amendment needs their approval but he will check with the DEP and find out.

Mr. Foregger went on to talk about the DEP and a list of exceptions in their regulations regarding exemptions. He asked if it is the intention to add another exception to this change.

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Mr. Foregger continued with his questions in length and Mr. Sordillo responded to his questions.

A lengthy discussion continued with the Township Council members and Mr. Foregger. Mr. Foregger continued with his questions.

Carol Matula of 5 Hastings Road commented on the noise ordinance and said a Police Officer needs to be certified regarding the noise ordinance readings. She asked if we have a certified Police Officer.

Joseph Sordillo, Township Attorney responded to Mrs. Matula's question and explained in detail.

Mrs. Matula continued with her questions regarding the noise ordinance. She also spoke about Township sponsored events.

Members of the Township Council responded to Mrs. Matula's questions regarding Township sponsored events. The discussion continued in length.

Carol Matula of 5 Hastings Road referred to the bond ordinance and asked if the Council has a limit as to how much they are planning to spend. She asked what that amount is.

Mayor Bruno responded to Mrs. Matula's question and said they do have a limit. He could not give that amount to Mrs. Matula.

Mrs. Matula continued with her remarks in length regarding the money being spent on the land swap.

Hearing no voices, moved by Mrs. Kingsley to close the Hearing on the Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON  
SEPTEMBER 9, 2014.**

The Clerk presented and read:

- (1) **“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO CREATE NEW CHAPTER 2.95 ENTITLED “MEMORIAL PARK RENEWAL COMMITTEE” TO CREATE AND ESTABLISH AN ADVISORY**

**COMMITTEE TO ASSIST THE TOWNSHIP WITH THE RENEWAL, RESTORATION AND MAINTENANCE OF THE TOWNSHIP'S MEMORIAL PARK".** Explanation: (This ordinance amends and updates the Township's Administrative Code (Title 2 of the Code of the Township of Berkeley Heights to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township's Memorial Park.)

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon be adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**NEW BUSINESS- RESOLUTIONS**  
**OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

**RESOLUTIONS**

**Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated September 23, 2014 in the amount of \$217,171.69.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Mr. Hall introduced the following resolution:**

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2. Resolution authorizing an amendment to the Cooperative Agreement with the County of Union previously authorized on June 10, 2014 (Resolution #144-2014).

Moved by Mr. Hall to approve resolution #2, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Mr. Pastore introduced the following resolution:**

3. Resolution consenting to the TWA application in connection with the proposed sewerage improvements for the approved residential development located along Hillcrest Road.

Moved by Mr. Pastore to approve resolution #3, seconded by Mr. Pirone and carried.

Mr. Delia asked what the location for this development is.

Mayor Bruno said he believes it is the site of the former pool location.

A discussion continued.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Mrs. Kingsley introduced the following resolution:**

4. Resolution authorizing a 2% increase in salary to for the non-union Township employees, and members of the various municipal departments of the Township.

Moved by Mrs. Kingsley to approve resolution #4, seconded by Mr. Woodruff and upon toll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Mr. Woodruff introduced the following resolution:**

5. Resolution authorizing the renewal of the Alcoholic Beverage License to Nickolas T. Agathis for the Plenary Retail Distribution License.

Moved by Mr. Woodruff to approve resolution #5, seconded by Mrs. Kingsley and carried.

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There was discussion among the Township Council on the liquor license. The question was does the Township Council have to renew this license.

Joseph Sordillo, Township Attorney said unless there is a basis for not renewing the license you must renew the license. A pocket license is entitled to a number of renewals and after that point they must petition the state for a special ruling.

Mrs. Minkoff, Township Clerk responded this is an inactive license and they just received tax clearance. She also said this is the second year they are going inactive and after the third year the state will send a letter and review their inactive status.

A discussion again continued.

Upon roll call vote:

Ayes: Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: Mr. Delia  
Abstain: None  
Absent: None

**Mr. Pirone introduced the following resolution:**

6. Resolution authorizing a release of a Performance Bond in the amount of \$7,141.68 to Westfield Gospel Hall, 94 Sherman Avenue.

Moved by Mr. Pirone to approve resolution #6, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**CONSENT AGENDA**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:**

- (7)
- a. Resolution authorizing the close of Hamilton Avenue between Plainfield Avenue and Roosevelt Avenue for the Berkeley Heights Volunteer Fire Department Annual Car Show on October 12, 2014 from 9:00 a.m. – 4:00 p.m..
  - b. Resolution authorizing the Tax Collector to refund the following 2014 tax overpayments:
    1. Berkeley Swim Club                      Bruns Avenue                      \$23.90
    2. Ocwen Loan Servicing                      87 Hampton Drive                      \$2,702.19
  - c. Resolution removing Chris Schulze, 1133 Plainfield Avenue, from the active roster of the Berkeley Heights Fire Department.

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- d. Resolution removing Ricardo Montalvan, 27 Bolton Boulevard, from the active roster of the Berkeley Heights Fire Department.

**ADDITION**

- e. Resolution authorizing Brett Siksnius, 45 Inwood Road, to the active roster of the Berkeley Heights Fire Department.

Moved by Mr. Pastore to approve Consent Agenda resolutions #7a-e, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**ORDINANCES**

**INTRODUCTION OF ORDINANCES**

**Public Hearing and Final Adoption scheduled for October 7, 2014.**

The Clerk presented and read:

- (1) “ORDINANCE REAPPROPRIATING \$30,494.89 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE MUNICIPAL FACILITIES STUDY IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.”**

Moved by Mr. Pastore that the ordinance as read by the Township Clerk is offered on first reading and the date of 10/7/14 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: Mr. Delia  
Abstain: None  
Absent: None

The Clerk presented and read:

- (2) “AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE LEASE WITH OUR LADY OF MOUNT CARMEL SOCIETY FOR THE 2014-2015 TERM.”**

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of 10/7/14 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:



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Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

The Clerk presented and read:

- (3) **“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 8.44.040 ENTITLED “EXCEPTIONS AND PERMITS” OF CHAPTER 8.44 ENTITLED “NOISE CONTROL” TITLE 8 ENTITLED “HEALTH AND SAFETY” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO INCLUDE AN EXEMPTION FOR THE TOWNSHIP AND TOWNSHIP-SPONSORED EVENTS.”**(Explanation: This Ordinance amends the Township’s Noise Control regulations to exempt the Township and Township sponsored events.)

Moved by Mr. Woodruff that the ordinance as read by the Township Clerk is offered on first reading and the date of 10/7/14 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: Mr. Delia  
Abstain: None  
Absent: None

**CITIZENS HEARING**

Moved by Mr. Hall to open the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

Carol Matula of 5 Hastings Road said the Executive Session was about an hour and a half to discuss Mathis v. Berkeley Heights. She asked if that was the only things that were discussed.

Mayor Bruno responded that was the only discussion item.

Mrs. Matula asked what is happening in general terms with that case.

Joseph Sordillo, Township Attorney responded procedurally we are just in discovery.

Mrs. Matula referred to a letter on the Mayor’s correspondence from Senator Kean and she asked what the Mayor wrote to Senator Kean. She also referred to correspondence from Helen Kirsch regarding the parking near Governor Livingston High School.

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Mayor Bruno explained the correspondence he sent to Senator Kean and other legislators. Mayor Bruno also explained the letter from Helen Kirsch regarding the parking near Governor Livingston High School.

Charlie Pratt of 45 Park Avenue asked the time the Land Swap meeting will begin at Governor Livingston High School. He also spoke about posting it on the website. Mr. Pratt went on to explain how the meetings are posted and can be downloaded from the website.

The Council thanked Mr. Pratt for his assistance with the website and the meetings.

Mr. Hall spoke about the filming of the public hearings at Governor Livingston High School.

Gerald Kuzmik of Eaton Court spoke about the presentations at the last two land swap meetings. He said it was a little confusing for the residents with the person making the presentation having to go back and forth to point out what he was talking about. He suggested that an LED pointer be used for the future meetings.

Council members agreed and have already spoken to the Planner regarding the presentation in that regard.

Hearing no voices, moved by Mr. Hall to close the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**ADJOURNMENT**

Moved by Mr. Pirone to adjourn, seconded by Mr. Woodruff and upon roll call vote:  
**(9:15 p.m.)**

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
Nays: None  
Abstain: None  
Absent: None

**Approved: October 7, 2014**